

ORIGINAL

Zephion Networks Communications, Inc. )  
)  
Amended Application for a certificate of )  
local and interexchange authority )  
to operate as a reseller and facilities )  
based carrier of telecommunications )  
services throughout the State of Illinois. )

ILLINOIS  
COMMERCE COMMISSION  
FEB 21 11 04 AM '01  
CHIEF CLERK'S OFFICE

**AMENDED APPLICATION FOR CERTIFICATE TO BECOME A  
TELECOMMUNICATIONS CARRIER**

**GENERAL**

1. Applicant's Name(including d/b/a, if any) FEIN # 54-2012433

Zephion Networks Communications, Inc. ("ZNC" or "Applicant")

Address: Street 2950 Gallows Road

City Falls Church State/Zip VA 22402

2. Authority Requested: (Mark all that apply) X 13-403 X 13-404 X 13-405

3. Request for waivers/variances: In applications for exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

X Part 710 Uniform System of Accounts for Telecommunications Carriers

X Part 735\* Procedures Governing the Establishment of Credit, Billing,  
Deposits, Termination of Service and Issuance of Telephone  
Directories for Local Exchange Telecommunications Carriers  
in the State of Illinois

X Section 735.180 Directories

X Other

\* For interexchange services only.

**For an explanation for these waiver/variance requests, please see Appendix A, Question 1. ZNC also requests authorization to maintain its books and records at its principal place of business in the Commonwealth of Virginia, pursuant to 83 Ill. Admin. Code part 250.**

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:
- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document; and
  - (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document; and
  - (c) the Financial Questions for Applicants Seeking Local Exchange Authority found in Appendix C of this document; and
  - (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

**Please see Appendices A, B, and C. Question 4(d) does not apply to Applicant.**

5. In what area of the state does the Applicant propose to provide service?

**Applicant seeks to provide services throughout the State of Illinois.**

6. Please attach a sheet designating contact persons to work with Staff on the following:
- a) issues related to processing this application
  - b) consumer issues
  - c) customer complaint resolution
  - d) technical and service quality issues
  - e) "tariff" and pricing issues
  - f) 9-1-1 issues
  - g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address, if any.

**Please see Exhibit 1.**

7. Please check type of organization?

☐ Individual

☒ Corporation

☐ ZNCship

Date corporation was formed November 14, 2000

In what state? Delaware

☐ Other (Limited Liability Company)

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois. **Please see Exhibit 2.**

9. List jurisdictions in which Applicant is offering service(s).

**Applicant is currently in the process of obtaining certification to provide telecommunications services in Arizona, California, Colorado, Connecticut, the District of Columbia, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and Washington. ZNC's affiliate, Zephion Networks Communications of Virginia, Inc., currently is seeking authority to provide facilities-based and resold local exchange, exchange access, and interexchange telecommunications services in the Commonwealth of Virginia. Since the initial application was filed with the Commission on January 8, 2001, Applicant has received authorization to provide telecommunications services in Kentucky, Massachusetts, New York, and Washington, and has filed applications to provide telecommunications services in Nevada, Rhode Island, Utah, and Wisconsin.**

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

\_\_\_\_\_ YES (Please provide details)      X   NO

11. Have there been any complaints or judgements levied against the Applicant in any other jurisdiction?

\_\_\_\_\_ YES      X   NO

If YES, describe fully.   Not Applicable.  

12. Has Applicant provided service under any other name?

\_\_\_\_\_ YES      X   NO

If YES, please list.

13. Will the Applicant keep its books and records in Illinois? \_\_\_\_\_ YES      X   NO

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

**ZNC requests authorization to maintain its books and records at its principal place of business in the Commonwealth of Virginia, pursuant to 83 Ill. Admin. Code part 250.**

#### **MANAGERIAL**

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

**Please see Exhibit 3.**

15. List officers of Applicant.

**Please see Exhibit 3.**

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services?   X   YES        NO

If YES, list entity.   BroadBand Office Communications, Inc.  

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for services and details of the billings statement.)

**ZNC plans to bill its customers directly, on a monthly basis. The bills will specify in a detailed fashion the services that are rendered to each customer.**

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

**Customers with service, billing and repair questions or complaints may reach ZNC at its 24-hour toll-free customer service number, 888-535-4226, for assistance. Customers may also send written inquiries and complaints to ZNC at 2950 Gallows Road, Falls Church, VA 22402. Applicant views customer satisfaction as critical to its success in the competitive marketplace and will promptly address all service, billing and repair complaints and inquiries. If Applicant is unable to resolve a complaint to a customer's satisfaction, Applicant will advise the customer of its right to file a complaint with the Illinois Commerce Commission.**

19. Will personnel be available at applicant's business office during regular working hours to respond to inquiries about service or billing?   X   YES        NO

20. What telephone number(s) would a customer use to contact your company?

888-535-4226

21. Will applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

  X   YES        NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers.

**ZNC will comply with Illinois law and the FCC's regulations regarding how interexchange carriers may change a consumer's primary interchange carrier. Applicant will also comply with the FCC's regulations regarding how carriers may change a consumer's primary local exchange provider.**

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 735, 755, 756, 757, 770, and 772?

**Applicant requests a waiver of 83 Illinois Administrative Code Parts: 710 and 735. A detailed explanation of this request is presented in Question 1 of Appendix A.**

  X   YES                 NO (If no, please provide an explanation.)

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

  X   YES                 NO

#### **FINANCIAL**

25. Please attach evidence of applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

**Please see Exhibit 4.**

#### **TECHNICAL**

26. Does Applicant utilize its own equipment and/or facilities?   X   YES            NO

If YES, please list:

**ZNC intends to provide service throughout Illinois through its own network facilities, through unbundled network elements purchased from ILECs, or through the resale of ILEC services. Applicant does not currently own any telecommunications facilities in Illinois.**

**Initially, Applicant may lease the fiber optic facilities of other carriers while its own facilities are being built. As Applicant completes the build-out of its network, Applicant will move this traffic onto its own network.**

If NO, which facility provider(s)'s services does Applicant use?

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, local service).

**Applicant seeks authority to provide facilities-based and resold local exchange telecommunications and intrastate interexchange services to customers throughout the State of Illinois. Applicant will construct its own fiber optic network and facilities to provide voice and data communications services, dedicated access services, and private line data communications services to its customers. Applicant's network will be based on VoIP technology and employ Sonus Networks packet switches. Applicant may supplement these services with other resold services provided by incumbent local exchange carriers, competitive local carriers, or interexchange carriers. In addition to these services, Applicant intends to lease its dedicated and private line fiber optic communications infrastructure to wholesale carriers. Applicant will continuously monitor and maintain a high level of control over its network on a twenty-four (24) hours a day, seven (7) days a week basis through its network operations center.**

28. Will technical personnel be available at all times to assist customers with service problems?  
X YES \_\_\_ NO
29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?  
\_\_\_\_\_ YES \_\_\_\_\_ NO

**Applicant does not intend to provide payphone service.**

**Zephion Networks Communications, Inc.**



**Russell M. Blau**

**Michael J. Mendelson**

**SWIDLER BERLIN SHEREFF FRIEDMAN, LLP**

**3000 K Street, N.W. Suite 300**

**Washington, D.C. 20007**

**Telephone: (202) 295-8338**

**Facsimile: (202) 424-7645**

**Counsel for Zephion Networks Communications, Inc.**

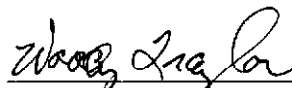
## VERIFICATION

This application shall be verified under oath.

### OATH

Commonwealth of VIRGINIA                    )  
  )  
County of FAIRFAX                            )       ss:

Woody Traylor makes oath and says that he is Vice President of Regulatory Affairs and Assistant Secretary of Zephion Networks Communications, Inc.; that he has examined the foregoing application; and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

  
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/

JOHN C. GANTT

in the Commonwealth and County above named, this 16<sup>TH</sup> day of FEBRUARY 2001.



My Commission Expires December 31, 2002